

1
2
3
4
5
6
7
8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
10

11 MARK FREGIA,

12 Plaintiff,

13 v.

14 MIRANDA, *et al.*,

15 Defendants.
16
17

Case No. 1:21-cv-1068 JLT BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS DENYING
PLAINTIFF'S MOTIONS FOR INJUNCTIVE
RELIEF, SANCTIONS, AND DEFAULT
JUDGMENT
(Docs. 112, 115, 116, and 119)

ORDER DENYING PLAINTIFF'S MOTION
FOR LIEN AS FRIVOLOUS
(Doc. 126)

18 Mark Fregia is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights
19 action pursuant to 42 U.S.C. § 1983. This action proceeds against Defendants Ridge and Savage
20 based on Plaintiff's claims that Defendants were deliberately indifferent to Plaintiff's serious
21 medical needs by continuing to prescribe medications that caused him to suffer lichen planus, and
22 then failed to treat such skin condition.

23 Plaintiff moved for sanctions, injunctive relief, and the entry of default judgment. (Doc.
24 112, 115, and 116.) The magistrate judge found Plaintiff was not entitled to the relief requested,
25 and recommended the motions be denied. (Doc. 119 at 2-4.) The Court served the Findings and
26 Recommendations on Plaintiff and notified him that any objections were due within 14 days. (*Id.*
27 at 5.) The Court advised Plaintiff that the "failure to file objections within the specified time may
28 result in the waiver of the 'right to challenge the magistrate's factual findings' on appeal." (*Id.*,

1 quoting *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014).) Plaintiff did not file
2 objections, and the time to do so has passed.

3 After the magistrate judge issued the Findings and Recommendations, Plaintiff filed a
4 motion for lien that purports to place a lien on the estate of Chief District Judge Kimberly J.
5 Mueller. (Doc. 126.) A review of the motion demonstrates it is based on similar arguments
6 raised in Plaintiff's motions for injunctive relief, sanctions, and default judgment. As the
7 magistrate judge determined, such arguments and filings are frivolous and do not show an
8 entitlement to relief.

9 According to 28 U.S.C. § 636(b)(1)(C), this Court performed a *de novo* review of this
10 case. Having carefully reviewed the matter, the Court concludes the Findings and
11 Recommendations are supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 12 1. The Findings and Recommendations issued on March 18, 2024 (Doc. 119) are
13 **ADOPTED** in full.
- 14 2. Plaintiff's motion for sanctions and injunctive monetary relief for crimes in related
15 cases (Doc. 112) is **DENIED**.
- 16 3. Plaintiff's motion for sanctions, default judgment, and monetary injunctive relief
17 (Doc. 115) is denied.
- 18 4. Plaintiff's motion for default judgment (Doc. 116) is **DENIED**.
- 19 5. Plaintiff's motion for lien (Doc. 126) is **DENIED** as frivolous.
- 20 6. This action is referred to the magistrate judge for further proceedings.

21
22 IT IS SO ORDERED.

23 Dated: **May 2, 2024**


UNITED STATES DISTRICT JUDGE